UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,910	06/15/2005	Bernard Parsons	04607/0203010-US0	6548

7278 7590 11/14/2007 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770	**EXAMINER** HAILU, TESHOME

ART UNIT	PAPER NUMBER
2139	

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11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Office Action Summary		Application No.	Applicant(s)
			10/539,910	PARSONS ET AL.
			Examiner	Art Unit	
			Teshome Hailu	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *23-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *23-42* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *15 June 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

    1. ☒ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/15/2005*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-22 are canceled.

2.   Claims 23-42 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 23-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaskins et al

(Gaskins), US 5,606,315, and further in view of Gibbons, US 6,243,809.

As per claims 23, 34 and 42, Gaskins discloses:

A security system for an electronic device having a memory, (column 1, line 5-7, "This invention

relates to a method of operating an electronic control module and particularly to a method of securing

protected data stored in such a module").

The security system comprising means arranged to interact with the electronic device to acquire

at least a portion of the memory of the electronic device, (According to Gaskins, sensitive data and

password stored in EEPROM. See column 3 and fig. 3)

An access system arranged to control access to the acquired memory independently of an

operating system of the electronic device. (Abstract, "A microprocessor based electronic control module

with an EEPROM for storing protected data allows the data to be used internally, and allows non-

sensitive data to be accessed by external communication tools, but prohibits access to the protected data

unless a password is first entered").

Gaskins does not explicitly discloses, acquiring memory independently of an operating system.

However, on the same field of endeavor, Gibbons teach this limitation as, (column 1, "The present

invention relates to flashing and reading a non-volatile memory, and more particularly to flashing and

reading a read-only memory of a computer system independently or its operating system").

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

invention was made, to modify the teaching of Gaskins and include the above limitation using the

teaching of Gibbons. The modification would be obvious because one of ordinary skill in the art would be

motivated to add the above limitation and protect the part of memory from any other system of the

electronic device in order to secure sensitive data stored in memory.

As per claim 24 and 35, Gaskins discloses:

A system as claimed in claim 23, wherein the means arranged to interact with the electronic

device is arranged to interact directly with the operating system. (See column 3, line 20- 45.)

As per claims 25 and 36, Gaskins discloses:

A system as claimed in claim 23, wherein the means arranged to interact with the electronic

device is arranged to interact with a memory management unit of the device. (Column 3, line 38-43, "The

EEPROM has an address for a password, and addresses for sensitive data, particularly calibration

parameters, as well as addresses for non-sensitive data. The RAM 18 temporarily stores data which may

be read from various locations determined in accord with the program stored in the ROM").

As per claims 26 and 37, Gaskins discloses:

A system as claimed in any claim 25, wherein the memory management system is manipulated to

remove references to the acquired memory. (Abstract, "When a password can not be found and it is

necessary to change the protected data, the unit can be recovered by a recover procedure wherein the

secure data is first erased and then the security is deactivated to grant free access").

As per claims 27 and 38, Gaskins discloses:

A system as claimed in claim 25, wherein the access system is arranged to control access to at least selected registers of the memory management unit. (Abstract, "A microprocessor based electronic control module with an EEPROM for storing protected data allows the data to be used internally, and allows non-sensitive data to be accessed by external communication tools, but prohibits access to the protected data unless a password is first entered").

As per claims 28 and 39, Gaskins discloses:

A system as claimed in claim 23, wherein the acquired memory is hidden from the operating system. (Abstract, "A microprocessor based electronic control module with an EEPROM for storing protected data allows the data to be used internally, and allows non-sensitive data to be accessed by external communication tools, but prohibits access to the protected data unless a password is first entered").

Gaskins does not explicitly discloses, acquiring memory independently of an operating system. However, on the same field of endeavor, Gibbons teach this limitation as, (column 1, "The present invention relates to flashing and reading a non-volatile memory, and more particularly to flashing and reading a read-only memory of a computer system independently or its operating system").

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Gaskins and include the above limitation using the teaching of Gibbons. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and protect the part of memory from any other system of the electronic device in order to secure sensitive data stored in memory.

As per claim 29, Gaskins discloses:

A system as claimed in claim 23 comprising a filter driver. (Column 3, line 48-65, "The messages

are routed to the security logic program which filters the messages, passing those dealing with non-

sensitive data, and evaluating whether other messages should be honored").

As per claim 30, Gaskins discloses:

A system as claimed in claim 23, wherein the electronic device comprises a selected one of a

personal digital assistant (PDAs), a mobile telephone and a laptop. (Abstract, " A microprocessor based

electronic control module with an EEPROM for storing protected data allows the data to be used

internally"). According to invention, (paragraph 0001, "The present invention relates to a method and

system for securing electronic equipment having a memory, such as a personal computer, personal

digital assistant (PDA), mobile telephone and the like"). The invention is not limited only to the above

limitation.

As per claims 31 and 4, Gaskins discloses:

A system as claimed in claim 23, wherein the access system is arranged to protect at least

selected registry settings associated with the acquired memory such that they cannot be modified by

other applications. (See Abstract).

As per claims 32 and 41, Gaskins discloses:

A system as claimed in claim 31, wherein the access system is arranged to maintain a copy of

correct values for the selected registry settings, monitor the registry settings and reset registry settings

where incorrect values are detected. (See Column 3, line 33-67).

As per claim 33, Gaskins discloses:

A system, as claimed in claim 23, wherein the memory acquired, is used to store the

encryption/decryption key or keys of the encryption system. (Abstract, "Then the data may be read from

memory and the data or the password may then be changed. For a given model of control module, an ID

number is assigned to the password and stored in the module").

Conclusion

5.   The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Exception handling control in a secure processing system, US Pub. No. 2004/0139346.

TITLE: Method and system for protecting data on a PC platform using bulk non-volatile storage, US Pub.

No. 2003/0061494.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Teshome Hailu whose telephone number is (571) 270-3159. The examiner can normally

be reached on Mon-Fri 7:30a.m. to 5:00p.m. PST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz

R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Teshome Hailu

November 09, 2007

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